

tions or lenses, products and accessories in accordance with the specific directions of a written prescription signed by a licensed physician or optometrist; provided, however, the fitting of contact lenses shall be done only under the direct supervision of a licensed physician or licensed optometrist as defined by the laws of this state."

Sec. 3. All laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 4. If any article, section, subsection, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of any remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof are declared unconstitutional.

Sec. 5. The fact that there is presently confusion and misunderstanding concerning the exemption of ophthalmic dispensers from certain provisions of the Texas Optometry Act; the fact that it is the intention of the Legislature that ophthalmic dispensers have the right to compound, duplicate, fill and adjust ophthalmic prescriptions of licensed physicians and optometrists; and the fact that such confusion and misunderstanding reacts to the injury of the visual health and safety of the people of the State of Texas, create an emergency and an imperative public necessity that the Constitutional Rule that bills be read on three several days in each House be suspended; and such Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate, April 30, 1957: Yeas 26, Nays 0; passed the House, May 9, 1957: Yeas 125, Nays 4.

Approved May 20, 1957.

Effective May 20, 1957.

---

## WATERS RELEASED FROM STORAGE AND DESIGNATED FOR DOWNSTREAM USERS—ILLEGAL TO DIVERT

### CHAPTER 241<sup>12</sup>

#### S. B. No. 126

An Act declaring it to be illegal to divert waters released from storage and designated for downstream users; authorizing the Board of Water Engineers to promulgate and enforce rules and orders to effectuate the provisions of this Act; providing for the manner of adopting such rules and orders; authorizing appeals from Board rules and orders; providing that vested rights shall not be affected; provided that pending litigation shall not be affected; providing for penalties for violation; providing a savings clause; and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

Section 1. When stored storm and flood waters are released from a reservoir or dam on an international stream and such waters are designated for use or storage downstream by a specified user legally entitled to receive such water, it shall be unlawful for anyone without legal right to

12. Vernon's Ann.Civ.St. art. 7550a.

store, divert, appropriate, use or otherwise interfere with the passage of the waters that are designated for downstream use or storage. The Board of Water Engineers is hereby authorized and empowered to adopt and enforce rules, regulations and orders to effectuate the provisions of this Act and to avoid the unlawful taking of water in transit; provided that nothing in this Act shall in anywise affect any pending litigation involving the waters of any international stream. Such rules, regulations and orders may:

(a) Establish an orderly system for water releases and diversions so as to protect vested rights and to avoid the loss of water released from storage for downstream use;

(b) Prescribe the time that such releases of water may begin and end;

(c) Determine the proportionate quantities of the released waters in transit and the waters that would have been flowing in the stream without the addition of the released waters;

(d) Require each owner or operator of a dam and reservoir on the stream between the point of release and the point of destination to allow the free passage through the dam and reservoir of all such released waters in transit;

(e) Establish such other requirements as may be necessary in the opinion of the Board to effectuate the purposes of this Act.

The rules and regulations promulgated by the Board shall be adopted and may be enforced in accordance with Article 7531, Revised Civil Statutes of Texas, 1925, as amended by Section 1, Chapter 356, Acts of the 53rd Legislature, 1953. Orders adopted by the Board to implement and effectuate the rules and regulations that may be promulgated pursuant to the provisions of this Act shall require no publication in the manner set forth in said Article 7531; provided, however, that a copy of any such Board order shall be mailed by certified mail to each diverter of water and reservoir owner on the stream between the point of release and the point of destination of the released water, as shown by the records of the Board.

Appeals from any rule, regulation or order of the Board shall be in the manner provided for other appeals of Board decisions by Section 1, Chapter 357, Acts of the 53rd Legislature, 1953, codified as Article 7477. To enforce its rules, regulations and orders, the Board is authorized and empowered to proceed in the manner provided by Article 7550 of the Revised Civil Statutes of Texas, 1925, and by Article 7531 of the Revised Civil Statutes of Texas, 1925, as amended. Provided that nothing herein shall be construed to in anywise affect, diminish or enhance any vested rights including riparian rights.

Sec. 2. Anyone violating the provisions of this Act shall be guilty of the same offense and shall be subject to the same penalty as provided by Article 7549 of the Revised Civil Statutes of Texas, 1925, and by Article 839 of the Texas Penal Code.

Sec. 3. If any article, section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of this Act irrespective of the fact that any one or more portions may be declared unconstitutional.

Sec. 4. The need to establish an orderly system for releasing water from storage and for assuring its delivery to those below for whom it is designated, and the public importance of this legislation, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the

same is hereby suspended; and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

Passed the Senate, March 5, 1957: Yeas 25, Nays 3; April 29, 1957, Senate refused to concur in House amendments and requested appointment of Conference Committee; April 30, 1957, House granted request of Senate; May 14, 1957, Senate adopted Conference Report by a viva voce vote; passed the House, April 25, 1957, with amendments: Yeas 109, Nays 20; April 30, 1957, House granted request of Senate for appointment of Conference Committee; May 14, 1957, House adopted Conference Report: Yeas 124, Nays 3.

Approved May 20, 1957.

Effective 90 days after May 23, 1957, date of adjournment.

---

## TEXAS STONEWALL JACKSON MEMORIAL BOARD

### CHAPTER 242<sup>13</sup>

#### S. B. No. 240

An Act to create the Texas Stonewall Jackson Memorial Board; to provide the duties and powers thereof; to memorialize Stonewall Jackson; and related purposes; and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

Section 1. There is hereby created the Texas Stonewall Jackson Memorial Board, which shall have as its purpose the memorializing of the great American and Confederate General, "Stonewall" Jackson, through a program of education initiated by Stonewall Jackson Memorial, Inc. The Texas Stonewall Jackson Memorial Board shall be governed by a board of trustees, who shall be composed of three (3) members: the Texas Commissioner of Education, the President of Stonewall Jackson Memorial, Inc., and an appointee of the Governor, by and with the advice and consent of the Senate.

The board of trustees shall be vested with the power to administer this Act in its entirety; to establish the Texas Stonewall Jackson Memorial Fund; to receive and accept appropriations and donations in behalf of said fund; to invest all monies in said fund in such sound securities as they may deem advisable in line with good business procedure; to use the income derived from said fund to initiate and conduct essay contests and provide prizes therefor and to grant scholarships; to prescribe the rules and regulations governing essay contests and the awarding of scholarships from the Texas Stonewall Jackson Memorial Fund.

The benefits of this fund shall accrue only to residents of the State of Texas. The board of trustees shall require, insofar as possible, the repayment of all scholarship funds by the recipients thereof, under such terms as circumstances may justify, and any money so repaid shall become part of the principal of the fund.

Sec. 2. No part of the principal of said fund shall be disbursed for any purpose, and all prizes and grants shall be taken from the interest derived from investments only.

Sec. 3. The fact that there is a definite need to commemorate the life and career of Stonewall Jackson and to promote and aid activities designed

13. Vernon's Ann.Civ.St. art. 6145—3.